



California State Athletic Commission Meeting

Monday, June 22, 2009

9:30 A.M. to Close of Business

Elihu Harris State Building
1515 Clay Street; Auditorium
Oakland, California 94612

Minutes

Commissioners Present:

Tim Noonan, Chairman	Mario Rodriguez, Vice-Chairman
John Frierson	Howard Rose
June Collison	Christopher Giza, M.D.

Commissioners Absent:

Peter Lopez

Staff Present:

David Thorton, Interim Executive Officer	Gil Deluna
Che Guevara, Acting Assistant Chief Athletic Inspector	
Anita Scuri, DCA Legal	James Maynard, DCA Legal
Karen Chappelle, Deputy Attorney General	Nichole Bowles
Bill Douglas, Assistant Executive Officer	Richard Novoa, Athletic Inspector
Doreathea Johnson, Deputy Director, Legal Affairs	

Guests:

Roy Englebrecht, Promoter	Ray Rodriguez, Promoter
Cyril Shah, Raymond James Financial	Mike Chu, Matchmaker
Stan Gordon, Timekeeper	Marty Sammon, Official
Jeremy Lappen, CAMO	Steve Fossem, IKF
JT Steele, CAMO	Tom Brown, Matchmaker
Don & Lorraine Chargin, Promoters	Jim Millman, USA Boxing

The minutes reflect the order in which the agenda items were heard.

Agenda Item 1. The meeting was called to order at 9:30 A.M. Interim Executive Officer Dave Thornton called the roll. Commissioners present and accounted for: Collison, Frierson, Giza, Noonan, Rodriguez, and Rose.

Agenda Item 2. The Pledge of Allegiance was recited.

Agenda Item 3. The Commission entered closed session to discuss pending items.

Agenda Item 4. Approval of Minutes

Chairman Noonan called for a motion to send back the April minutes to be reviewed due to a missing motion. Motion was made, seconded, and approved unanimously for the April minutes to be sent back for revision.

Agenda Item 5. AEO report

Chairman Noonan: As of June 1st Dave Thornton was appointed Interm Executive Officer until the EO evaluation processes is complete and there is a candidate ready for hire.

Executive Officer Thornton announced that Frank Munoz has pulled back his resignation from CSAC, Bill Douglas has returned to the Athletic Commission as Assistant Executive Officer and will be running day to day operations, and Che Guevara has been appointed to Acting Assistant Chief Athletic Inspector until the commission can appoint a permanent one. Gary Whitman and Gil DeLuna are also on loan from DCA.

EO Thornton stated that the fiscal year will be ending in a week and a half and the budget is in good condition. EO Thornton is hoping to have a detailed account of the new budget by the August meeting to show how much money CSAC has, where the money goes, and where it comes from.

Commissioner Frierson stated he has been receiving complaints about no one answering the phones in the office or returning calls.

EO Thornton advised the commissioners that Gil Deluna is working on hiring a live person to answer the phones. Last week the office began having a primary person answer the phone between the hours of 8am and 5pm. If that individual was not there to answer the phone there was an assigned back up to answer the phone. EO Thornton also asked that the commissioners forward or direct any complaints they get to him so he can keep track of them and respond.

Chairman Noonan voiced his concern about matchmaking and the safety of the athletes. Individuals have expressed concerns about matches that were improperly matched.

EO Thornton stated the staff has taken a look at these concerns.

Chairman Noonan wanted to know if anyone has spoke with doctors, Inspectors, or people that were at the shows that can verify what is being said by the parties at interest.

Acting Assistant Chief Athletic Inspector Guevara informed the commission that he has been doing the majority of the matchmaking for boxing. For mixed martial arts, Frank Munoz influences some of the approvals. He has spoken with the individuals that had some concerns and we cannot attest to any specific bouts that they can pin their allegations on.

Chairman Noonan would like to sit down and go over past matches and compare past data with new data to ensure the safety of the athletes.

Roy Englebrecht states his name and said he received a call from **David** who works for Golden Boy Promotions around 5pm the previous night, an email from Gary Shaw yesterday, and several other promoters contacted him who could not attend the meeting. They want him to find out weather or not a decision has been made on the Executive Officer Position and wanted a status report of when someone may be named if no one has been already.

Chairman Noonan stated that no decision had been made.

Mr. Englebrecht also asked about Business and Professions Code Section 154. With the dismissals of staff, do the dismissals have to be approved by the Commission?

Chairman Noonan stated "The answer is no, those are civil service positions and are handled accordingly."

Mr. Englebrecht wanted to know why B&P Section 154 does not apply.

Anita Scuri stated "The use of the term "commission" in 154 does not mean this body sitting as a body, it means the person who is in charge of the office at the time which could be the Executive Officer or Assistant Executive Officer. Those are the people who initiate the action. Every board has the same language obviously and every board handles their civil service matters the same way which is a staff matter and not a commission matter."

Agenda Item 6. Amateur MMA Committee Report

Vice-Chairman Mario Rodriguez stated the "There were a lot of questions but one was "Should amateur MMA be regulated?". It was a unanimous decision that "yes, amateur MMA should be regulated." The next question was if it is regulated, who should be the sanctioning body? "Should it be non-profit or should we take it in house?" The consensus was we do not take it in house. We asked all the stake holders to get back together and talk to each other and see if they can come up with one organization.

Gil Deluna stated "I think that everyone is in agreement that it needs to be done now so as soon as they can come up with the right model, they can bring it to the commission and move forward."

Chairman Noonan asked if stakeholders could explain what has been going on in those meetings.

Jeremy Lappen and JT Steele representing the California Amateur Mixed Martial Arts Organization spoke about the meeting.

Ms. Scuri spoke about the difference between professional regulations and amateur regulations. Further, the regulations should be in place first before the Commission delegates authority.

Steve Fossem stated "I never got invited to any meetings and I've been to all of them except for this last one in LA. I have no idea about what went on or what was said. We probably sanction 400 events a year across the nation and about 200 outside the USA and I haven't seen anything from any of this so I didn't know there was a meeting regarding putting something together for amateur MMA."

Vice-Chairman Rodriguez stated "My recommendation is no matter if there is any type of meeting, an informational meeting or anything like that, every stake holder should absolutely be there."

Ms. Scuri stated that Commission staff and the legal department needed to look at what needs to be changed in the regulations.

Agenda Item 7. USA Boxing Report and Update

Jim Melman, CEO of USA Boxing, stated that USA Boxing greatly appreciates the support and cooperation of the California State Athletic Commission over the past few months. "We look forward to a close and effective working partnership with CSAC in the future which I believe has been evident in the last few weeks."

A comprehensive update on the status of USA Boxing was provided by Mr. Millman.

Chairman Noonan wants to know if quarterly meetings with the LBC's was clarified. Mr. Millman answered in the affirmative.

Karen Chappelle stated "we have come to an amicable resolution on the safety standards we require vs. the safety standards that were in affect by USA Boxing."

Ms. Chappelle further stated "The biggest concern James and I had is after making substantial progress with USA Boxing, what would happen after Mr. Millman's departure this week. Would these concerns and changes be made and carried forward with the new leadership? This is why we recommended that they remain on probation for at least one year from today's date so that we can be assured that the changes and progress that we have made will remain in affect. "

Chairman Noonan calls for a motion to keep USA Boxing on one year probation. The motion was made, seconded, and approved unanimously to keep USA Boxing on one year probation through June 21, 2010.

Agenda Item 8. Pension Plan

Ms. Scuri stated there has been a request to change the age of payment for pension from age 55 to age 50. Rules 403 and 406 have the language of 55 years of age in place. The request was to set for regulatory hearing so we can bring those regulations into conformity with the previous changes made.

A motion was made, seconded, and carried unanimously to make the appropriate changes.

Agenda Item 9. Report from Investment Services Provider Raymond James

Cyril Shah stated "The current investments will service well during this period of distributions that we see coming down the line because of the age reduction from age 55 to age 50."

As of May 30, 2009, the balance of the fund was \$4,295,391.12.

**Agenda Item 10. Consideration for Request to Change a Decision
Benji Radach vs. Scott Smith on 4/11/09 in San Jose, CA**

EO Thornton stated that Mr. Radach was appealing the decision of the referee who stopped the MMA bout with approximately 1:41 left in the third round. Mr. Radach believes that the bout was improperly stopped and that there should have been some consideration given that there was an apparent illegal blow to the back of the head.

Trouble with the dvd player prompted this item to be moved to later in the agenda.

Agenda Item 11. Disciplinary hearings

Fight Quest

Assistant Executive Officer Bill Douglas stated that Fight Quest was approved for a temporary license to hold their show on January 31, 2009. They failed to provide proper

funding for that show however they did meet the initial requirements for a temporary license. When it came time to pay officials and athletes, that is where the failure occurred. As a result of that, at the February 10, 2009 meeting, the recommendation was made to the Commission to deny the permanent license of Fight Quest and that's what brings us here today.

Ray Rodriguez, Promoter, stated "On January 31, I put on my first sanctioned event and a lot of things went bad. I counted on ticket sales to pay the fighters. I know that was bad and my fault it was my first time promoting. I did pay out in full to the Commission, to the fighters, and Officials."

Chairman Noonan inquired what the amount of the bond was.

AEO Douglas responded "\$20,000."

Chairman Noonan inquired what the purpose of the bond was.

AEO Douglas stated "The bond is to cover any expenses that may occur in a situation like this. Should a failure occur, there is at least a bond to tap into that would be applied towards athletes first, then Officials, and then any Commission fee's that would be outstanding."

Chairman Noonan recommended to the commission that we require 125% of the purse and expenses for the next event as the bond posted prior to that event. We make the assumption that all of the contestants and Officials have been paid and that if there is another violation, we would revoke the license to promote events.

A motion was made, seconded, and carried unanimously to require 125% of the purse and expenses as the bond for the next event and provide one more opportunity to promote for Fight Quest.

Wargods

AEO Douglas discussed the failure of the promoter to regulate the event properly and cited their previous difficulty with past events.

The promoter did not appear at the license revocation hearing.

A motion was made, seconded, and carried unanimously to revoke the promoter's license for Wargods.

Ernest "Sonny" Marson

The managers license for Sonny Marson was suspended indefinitely pending the outcome of an investigation into allegations that he was making a profit off of amateur boxing without the expressed consent of the commission and that he was using underage fighters, ring card girls, and permitting illegal betting at his events. The Department of Investigations conducted this investigation. None of the allegations that prompted this investigation actually came to light. As a result, Supervising Deputy Attorney General Karen Chappelle recommended that the suspension of Mr. Marson's license be lifted.

A motion was made, seconded, and carried unanimously to lift the suspension on the license of Ernest "Sonny" Marson.

Stan Gordon

Mr. Gordon's Timekeeping license was suspended after an event in Sacramento on June 7, 2009. Due to an error, a fight was not stopped until approximately 52 seconds later after the round had concluded. The round lasted 5 minutes and fifty-two seconds of a scheduled five minute round.

Mr. Gordon stated the only defense he had was that he was human and made a mistake.

Karen Chappelle stated there were a total of 21 additional blows that were landed after the time should have ended in that round. Rule 328 provides that timekeepers shall provide themselves with such equipment as prescribed by the commission and shall carry out such duties as directed by the commission staff. Ms. Chappelle recommended that Mr. Gordon's license be suspended for at least 90 days. Additionally, a recommendation was made to review his equipment that he uses at these fights.

A motion was made, seconded, and carried unanimously to uphold the ninety day suspension of license for Mr. Gordon.

Agenda Item 10.

Benji Radach vs. Scott Smith on 4/11/09 in San Jose, CA

A dvd of the bout was reviewed by the Commission.

Ms. Chappelle stated "The reason this comes to you is because there is a time frame as to which you can submit an appeal. This time frame was not met. No written request was made in a timely manner."

Chairman Noonan stated "There is no motion to change the decision so the decision stands as it is."

Agenda Item 12. Agenda Items for Future Meetings

- Decals – mma competition enclosure
- Use of replay
- Timekeeper equipment

Agenda Item 13. Public Comment

There was no public comment.

Agenda Item 14. Adjournment

The meeting was adjourned at 12:20 p.m.